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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,462	02/20/2001	Kathryn A. Jones	PM 0271434	6361
26285	7590	02/02/2005		
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222			EXAMINER BAYERL, RAYMOND J	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,462

Applicant(s)

JONES ET AL.

Examiner

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 26 is/are pending in the application.
- 4a) Of the above claim(s) 1 - 5, 24 - 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 - 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>16 July 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election with traverse of invention group II, claims 6 - 23 in the reply filed on 16 December 2004 is acknowledged. The traversal is on the ground(s) that because "the subject matter of Groups I, II and III are related", "the search and examination of the entire application could be made without serious burden".

This is not found persuasive because a search beyond elected group II's operator interface, which has its regions and subportions, would need to extend into a wider and more particularly varying scope, for each of the invention groups I and III. To search invention group I, the Examiner would need to consider overall enterprise-wide access systems, and to search invention group III, the additional topic of productivity management, each of these additional topics not being limited to the form of operator interface seen in invention II.

Thus, unreasonable burden would be placed upon the resources of the PTO in granting applicant's request for reconsideration under the traverse.

The requirement is still deemed proper and is therefore made FINAL. Claims 1 – 5, 24 – 26 are withdrawn from consideration as being directed to a non-elected invention.

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)).

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In the instant case, applicant claims priority of provisional application 60/210,905, but does not have the specific reference at page 1.

3. The disclosure is objected to because of the following: at page 8, line 3, applicant refers to figs "4(a)" and "4(b)"—but there is only a fig 4 in the drawings. Might applicant's reference at this location have been to figs 5(a), 5(b)?

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 6 – 8, 10 – 12, 14 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. ("Anderson"; US #2002/0091706 A1, provisionally filed on 6 September 2000 as SN 60/230,274).

As per independent claim 6's generation of "a graphical user interface" (see also independent claims 10, 14), the recited regions in the claim are each to be found in Anderson's VEHICLE HISTORY AND PERSONALIZATION MANAGEMENT, where an interface such as appears in fig 2 appears. There, the name AUTOLINK at the upper left is "a branding region", the button bar at the left side "a task bar", and the main client region 200 "a content region" or "a context region", depending upon what particular data it supports. In the fig 3

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example, a "context" related to the individual user is given to support further screens such as the one shown in fig 4, which provides additional information and options related to the vehicle. Please note that between figs 3 and 4, "a location and size of each region and the task bar remains substantially constant".

As per claim 7's additional components for the "graphical user interface" (see also claims 11, 15), the example cited in Anderson's fig 2 also shows "a user identification portion" under the VIN dialog, a "list button" in the form of the USER TYPE drop-down, "a user assistance region" where button 220 shows PRODUCTS, "relationship buttons", to the extent that this can be reasonably interpreted, by SERVICE AND WARRANTY and PERSONALIZATION, and "action buttons" such as VEHICLE HISTORY and the GO button that inputs the PASSWORD. These buttons also "remain substantially constant, despite changes in content".

Claim 8 (see also claims 12, 16) has a number of lists of items, with the claim being met by an item "selected from the group consisting of". Bearing this in mind, "the branding region"'s "indicia" in Anderson (AUTOLINK) is an example of "automobile service provider names", the "context region" clearly has "automobile identifying information" such as CUSTOMER NAME, the "content region" has information as to "parts" and a "vehicle database" (the PRODUCTS available for the VIN), and also "vehicle data" such as that seen in fig 4.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 9, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Li ("Li"; US #6,609,050 B2).

As per these three similar claims, while Anderson permits a user to obtain service and parts for a specific vehicle, Anderson does not **explicitly** teach that "information pertaining to an automobile repair order" should appear within the "content region". However, Li's VEHICLE WARRANTY AND REPAIR COMPUTER-NETWORKED SYSTEM specifically has a dialog manager for collecting service information regarding a vehicle, this supporting a repair processing module for administering a warranty-specific service (Abstract). Li operates with a "graphical user interface" of a kind generally similar to Anderson's, as seen at fig 7. A time of about 1 hour appears in fig 10, to meet the "time to complete the ordered repair" from the alternative list.

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Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to include the repair support found specifically in Li as an extension to the vehicle-specific "interface" as found in Anderson. The motivation rests in Anderson, where the intention is to provide as much support as possible for the operator of an individual vehicle, and Li's repair processing qualifies as this.

9. Claims 18 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoyanov et al. ("Stoyanov"; US #2002/0123961 A1, provisionally filed on 25 January 2001 as SNs 60/264,646, 60/264,595).

As per independent claim 18's particular "graphical user interface" (see also independent claims 20, 22), with its "regions" and "sub-regions" that illustrate a "lease term" and "lease programs", respectively, Stoyanov's RETAIL LEASE PROGRAM SELECTION SYSTEMS AND METHODS are specifically used for enabling automobile dealers to select a lease for a prospective customer (Abstract). In Stoyanov, an individual customer initiates a session, ^{and} from a plurality of lease programs, the lease program yielding the highest profit for a fixed amount of customer cash is identified for each of a plurality of vehicles (paragraphs [0039] – [0044]).

The information as provided in Stoyanov allows the dealer to present a wealth of valuable information to the customer, which can then be used by the customer or the dealer to select the best lease program (paragraph [0044]), but it is not **explicitly** shown as having the claimed "regions" and "sub-regions" for a "term" and "programs".

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However, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to use a "graphical user interface" with the "regions" as claimed to present Stoyanov's valuable information, with the motivation being to help the user as a search process is in progress. For a given lease "term", Stoyanov finds representative "lease programs" in a search. These results would advantageously be called out in specific detail, in Stoyanov. To satisfy the "information pertaining to" the "programs", "monthly payment" is a critical component of the data rendered in Stoyanov.

As per claim 19's "sort of the information displayed" (see also claims 21, 23), it is further shown in Stoyanov that the lease programs are ranked according to which is best; thus, a "sort" on this basis is performed. In the obvious extension of Stoyanov, these results will appear in "user interface" "sub-regions".

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining US Patent documents made of record (see attached form PTO-892) relate to applicant's general topic of handling information as might be collected for a user in a single "interface".

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - F from 9:00 AM to 4:00 PM ET.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All

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patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

25 January 2005